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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHN DAVID YODER,

Defendant.

Case No. 2:13-cr-00368-JAD-VCF

**STIPULATION TO CONTINUE
SENTENCING HEARING**

(THIRD REQUEST)

IT IS HEREBY STIPULATED AND AGREED by and between, Nicholas A. Trutanich, United States Attorney, District of Nevada, Christopher Burton, Assistant United States Attorney, representing the United States of America, and John Dolan, Esq., representing Defendant John David Yoder, that the sentencing hearing in the above captioned case, which is currently scheduled for August 24, 2020, at 3:00 pm, be continued and reset to a date and time to be set by this Honorable Court but no sooner than sixty days.¹

1. On March 30, 2020, the Chief Judge of the U.S. District Court for the District of Nevada issued Temporary General Order 2020-04, specifically finding, in part, that

¹ Defense counsel has represented they would be available at the Court's convenience the following days: November 2, 9, 16, 23.

1 “felony sentencings under Rule 32 of the Federal Rules of Criminal Procedure
2 cannot be conducted in person in this district without seriously jeopardizing public
3 health and safety.” The General Order therefore permitted individual judges to
4 proceed with sentencing via video or teleconference if the defendant consents and
5 the matter “cannot be further delayed without serious harm to the interests of
6 justice[.]”

7 2. There does not exist a reason why the sentencing hearing in this case cannot be
8 delayed without serious harm to the interests of justice.

9 3. Additionally, defense counsel needs additional time to prepare for sentencing.

10 4. Accordingly, based on the public health emergency brought about by the COVID-
11 2019 pandemic, and the required social-distancing measures as recognized in the
12 General Orders, and the need for additional time to prepare the defense; the parties
13 agree to continue the currently scheduled sentencing hearing date from August 24,
14 2020, to a date and time to be set by this Honorable Court but no sooner than sixty
15 days.

16 5. This continuance is not sought for purposes of delay, but to account for the
17 necessary social-distancing in light of the COVID-2019 public health emergency and
18 to allow the defense adequate time to prepare for sentencing.

19 6. Denial of this request could result in a miscarriage of justice, and the ends of justice
20 served by granting this request outweigh the best interest of the public and the
21 defendant in proceeding to sentencing.

22 7. The defendant is incarcerated and does not object to the continuance.
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1 8. This is the third request to continue sentencing in this case.

2 DATED this 12th day of August, 2020.

3 NICHOLAS A. TRUTANICH
4 United States Attorney

5 /s/
CHRISTOPHER BURTON
6 Assistant United States Attorney

7 /s/
8 JOHN DOLAN, ESQ.
9 Counsel for Defendant
10 JOHN DAVID YODER
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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**

7 UNITED STATES OF AMERICA,

8 Plaintiff,

9 vs.

10 JOHN DAVID YODER,

11 Defendant.

Case No. 2:13-cr-00368-JAD-VCF

FINDINGS AND ORDER ON
STIPULATION

12
13 Based on the pending Stipulation between the defense and the government, and good
14 cause appearing therefore, the Court hereby finds that:

- 15 1. To account for the necessary social-distancing in light of the COVID-2019 public
16 health emergency and to allow the defense adequate time to prepare for sentencing,
17 the sentencing hearing in this case should be continued.
- 18 2. The parties agree to this continuance.
- 19 3. There does not exist a reason why the sentencing hearing cannot be delayed without
20 serious harm to the interests of justice.
- 21 4. The defendant is incarcerated and does not object to the continuance.
- 22 5. This continuance is not sought for purposes of delay.
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6. Denial of this request could result in a miscarriage of justice, and the ends of justice served by granting this request outweigh the best interest of the public and the defendant in proceeding to a sentencing hearing.

THEREFORE, IT IS HEREBY ORDERED that the sentencing hearing in the above-captioned matters currently scheduled for August 24, 2020, at 3:00 pm, respectfully, be vacated and continued to November 2, 2020, at 3:00 p.m.

DATED this 14th day of August, 2020.



HONORABLE JENNIFER A. DORSEY
UNITED STATES DISTRICT COURT
JUDGE